IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL REVISION APPLICATION NO. 49 OF 2007

SHRI. JULIO THOMAS R. DE ARAUJO ... Petitioner
Versus
SHRI. TEOFILO D'SOUZA AND ANR., ... Respondents

Ms. Elsa Fernandes, Advocate for the Applicant.
Mr. Anthony D'Silva, Advocate for Respondent No.1.
Ms. W. Coutinho, Public Prosecutor for Respondent No. 2.

Coram:- N. A. BRITTO, J.

Date:- 18th October, 2007

P.C.:

Heard Ms. Elsa Fernandes, the learned Counsel on behalf of the Petitioner/Accused and Shri Anthony D'Silva, the learned Counsel on behalf of Respondent No.1/Complainant.

Learned Counsel Ms. E. Fernandes states that the Petitioner/Accused has collected the file which she has returned and thereafter she had given her NOC to enable him to engage another Advocate. She has filed an application to withdraw her wakalatnama. The same is placed on record and marked 'X' for identification. The learned Counsel Ms. E. Fernandes has also stated that she had sent legal notice to the Petitioner/Accused stating that she would withdraw her appearance and had also informed the Petitioner/Accused that the case was fixed today. As per learned Counsel Ms. E. Fernandes the said registered letter has been returned unclaimed. A copy of the letter alongwith the postal article returned unclaimed has also been filed alongwith the application.

The Petitioner/Accused is absent, inspite of the said notice dated 5/10/2007 having been sent by learned Counsel Ms. E. Fernandes. Return

of notice unclaimed has been considered as good service.

Learned Advocate Ms. E. Fernandes is allowed to withdraw her appearance. In the absence of the Petitioner/accused, the Petition dismissed for non prosecution.

N. A. BRITTO, J.

NH